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OFFICE OF PETITIONS

In re Application of  
Veronique Mahe, Pascale Joetzjer,  
Anne Emmanuelle Guise  
Application No. 09/483,766  
Filed: January 19, 2000  
Attorney Docket No. ROC-17  
: :  
: : DECISION ON PETITIONS  
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This is a decision on the petition under 37 CFR 1.183, filed October 9, 2003, to waive the requirement under 37 CFR 1.67 that all of the inventors sign a supplemental declaration.<sup>1</sup>

The petition under 37 CFR 1.183 is GRANTED.

The above-identified application was filed on January 19, 2000. In an *Ex Parte* Quayle Office action mailed June 9, 2003, the examiner required a new oath or declaration in compliance with 37 CFR 1.67(a). This notice set a two month shortened statutory period for reply.

In reply, applicant filed the instant petition. The petition was made timely by including a two month Extension of Time.

37 CFR 1.67 states, in pertinent part:

(a) The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of § 1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.

<sup>1</sup> A petition under 37 CFR 1.47 only applies to the initially filed 37 CFR 1.63 declaration.

(1) Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47 may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.

With the instant petition, attorney Andrea L. Colby has set forth the steps taken to secure joint inventor Guise's signature on the supplemental declaration. According to Colby, she learned that Guise had left her employer, Johnson & Johnson France. Copies of the supplemental declarations were forwarded to Guise's new business address as well as her home address. However, no response was ever received.

In order for a petition under 37 CFR 1.183 to be granted, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

The supplemental reissue declaration was required to be signed by joint inventors Mahe, Joetzjer, and Guise. However, only Mahe and Joetzjer executed the declaration. Petitioner has demonstrated that a *bona fide* effort was made to secure Guise's signature on the supplemental declaration. Accordingly, it is concluded that petitioner has demonstrated that this is an extraordinary situation requiring waiver of the rules.

The \$420 fee for a two month extension of time, necessary to make the petition timely, has been charged to Deposit Account No. 10-0750, as authorized. In addition, the petition fee of \$130 has also been charged to petitioner's deposit account.

**The newly executed declaration filed on October 14, 2003 will be entered, despite the fact that the requirement set forth in 37 CFR 1.67(a)(1) that all the inventors sign a supplemental oath or declaration has not been satisfied.**

The application file is being forwarded to Technology Center 1600 for preparation of a Notice of Allowance and Notice of Allowability.

Telephone inquiries related to this decision may be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

*Christina P. Donnell*

Christina Donnell  
Senior Petitions Attorney  
Office of Petitions



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